

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GARY KOOPMANN, TIMOTHY KIDD and  
VICTOR PIRNIK, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V.,  
FCA US LLC, SERGIO MARCHIONNE,  
RICHARD K. PALMER, SCOTT  
KUNSELMAN, MICHAEL DAHL, STEVE  
MAZURE and ROBERT E. LEE,

Defendants.

No. 15 Civ. 7199 (JMF)

STIPULATION AND  
~~PROPOSED~~ ORDER  
REGARDING CERTAIN  
DEADLINES

This stipulation is entered into by and among Gary Koopmann, Timothy Kidd and Victor Pirnik (collectively, "Plaintiffs") and Defendants Fiat Chrysler Automobiles N.V., Sergio Marchionne and Scott Kunselman (collectively, "Defendants").

WHEREAS, on March 29, 2016, Plaintiffs filed in the above-captioned action the Second Amended Complaint for Violations of the Federal Securities Laws (the "Second Amended Complaint");

WHEREAS, on October 5, 2016, the Court granted in part and denied in part Defendants' motion to dismiss the Second Amended Complaint (the "October 5 Order");

WHEREAS, on December 19, 2016, the Court entered a Civil Case Management Plan and Scheduling Order ("Scheduling Order") (Dkt. No. 60) setting forth certain discovery deadlines;

WHEREAS, on January 19, 2017, the Court granted Plaintiffs leave to amend the Second Amended Complaint to add certain factual allegations and/or claims relating to vehicle emissions (the "Emissions-Related Claims");

WHEREAS, the Emissions-Related Claims are subject to the discovery stay of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4;

WHEREAS, on February 6, 2017, the Court entered a Stipulation and Order (Dkt. No. 66) providing that (1) any new factual allegations and/or claims included in the Third Amended Complaint are subject to the PSLRA stay; (2) the PSLRA stay does not apply to the factual allegations and claims that exist in the Second Amended Complaint (the “Safety Recall Claims”); and (3) depositions of Defendants or their current or former employees may not take place during the PSLRA stay if such person has knowledge concerning the Emissions-Related Claims, even if such person also has knowledge concerning the Safety Recall Claims;

WHEREAS, on February 17, 2017, Plaintiffs filed the Third Amended Complaint;

WHEREAS, on August 1, 2017, the Court granted Defendants’ Motion to Dismiss the Emissions-Related Claims in Third Amended Complaint, with leave to replead (Dkt. No. 121);

WHEREAS, on August 15, 2017, Plaintiffs filed the Fourth Amended Complaint (Dkt. No. 124);

WHEREAS, on September 5, 2017, Defendants moved to dismiss the Emissions-Related Claims from the Fourth Amended Complaint (Dkt. No. 131), and briefing on that motion is currently scheduled to conclude on October 5, 2017;

WHEREAS, given the pendency of Defendants’ motion to dismiss the Emissions-Related Claims from the Fourth Amended Complaint, as well as the fact that a number of Defendants and their current or former employees have knowledge of both the Safety Recall Claims and the Emissions-Related Claims, the discovery deadlines in paragraphs 7 and 8 of the Scheduling Order, including the current fact discovery deadline of November 1, 2017, should be vacated until the Court rules on Defendants’ motion to dismiss; and

WHEREAS, notwithstanding the paragraph above, the parties may continue to conduct discovery consistent with the Scheduling Order and the February 6, 2017 Order.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs and Defendants, through the undersigned counsel, as follows:

1. The discovery deadlines set forth in paragraphs 7 and 8 of the Scheduling Order are vacated.
2. Within 14 days of the Court's Order on Defendants' Motion to Dismiss the Emissions-Related Claims from the Fourth Amended Complaint, the parties will submit to the Court a revised proposed scheduling order setting forth discovery deadlines.
3. This Stipulation may be executed in counterparts, and electronic or facsimile signatures shall be deemed equivalent to original signatures.

Dated: September 29, 2017

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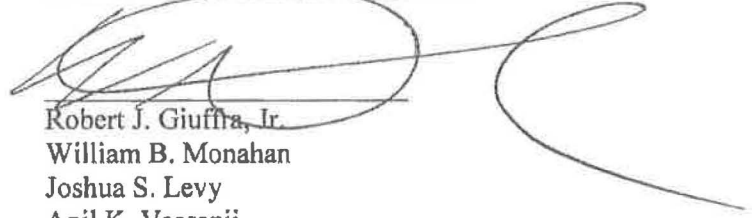
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***Attorneys for Defendants***

SO ORDERED.



Jesse M. Furman  
United States District Judge

October 2, 2017